

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1864.* Fredericton, NB: G. E. Fenety, Printer to the Queen's Most Excellent Majesty, 1864.

27 Victoria – Chapter 40

**An Act relating to Affidavits, Declarations and Affirmations made out of this Province for use therein. Passed 11th April, 1864.**

Section.	Section.
1. Appointment of persons to take Affidavits, &c. out of the Province, how made.	5. Affidavit of any Dee, &c. for registration, how made.
2. Title of Commissioners. Affidavits, &c. taken before certain parties, to be valid.	6. Informatility in form of document not to affect, as evidence.
3. Documents signed and sealed by Commissioners, to be evidence without proof of such signature.	7. Tendering false or counterfeit documents; penalty.
	8. This Act not to affect Sec. 7, 19 Vic. Cap xli.
	9. Not to affect Affidavits &c. heretofore made.

Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. The Lieutenant Governor in Council, by one or more Commission or Commissions under his hand and seal, from time to time shall and may empower such and so many persons as he may think fit and necessary, to administer Oaths and take and receive Affidavits, Declarations and Affirmations in the United Kingdom of Great Britain and Ireland, or in any Colony or Dependency thereof, or in any Foreign State or Country, in or concerning any cause, matter or thing depending in, or in any wise concerning any of the proceedings had or to be had in Her Majesty's Supreme Court of Judicature, at the law or equity side thereof, or in any of the Inferior Courts of Common Pleas, or in any Surrogate's Court, or in any other Court of Record in this Province, whether now existing or hereafter to be constituted; and every Oath, Affidavit, Declaration or Affirmation taken or made as aforesaid, shall be as valid and effectual, and shall be of the like force and effect to all intents and purposes, as if such Oath, Affidavit, Declaration or Affirmation had been administered, taken, sworn, made or affirmed before a Commissioner for taking Affidavits therein, or other competent authority of the like nature.

2. The Commissioners so to be appointed shall be styled Commissioners for taking Affidavits in and for the Courts in the Province of New Brunswick.

3. Oaths, Affirmations, Affidavits or Declarations administered, sworn, affirmed or made out of the Province of New Brunswick, before any Commissioner authorized by the Lord Chancellor to administer oaths in Chancery in England, or before any Notary Public, certified under his hand and official seal, or before the Mayor or Chief Magistrate of any City, Borough or Town Corporate in Great Britain or Ireland, or in any Colony of Her Majesty, or in any Foreign State or Country, and

certified under the Common Seal of such City, Borough or Town Corporate, or before a Judge of any Court of supreme jurisdiction in any Colony belonging to the Crown of Great Britain and Ireland, or any Dependency thereof, or before any Consul, Vice-Consul, Acting Consul, Pro-Consul, or Consular Agent of Her Majesty, exercising his functions in any foreign place, for the purposes of, and in or concerning any cause, matter or thing depending or in any wise concerning any of the proceedings to be had in any of the said Courts of this Province, shall be as good, valid, and effectual, and; shall be of like force and effect to all intents and purposes, as if such Oath, Affirmation, Affidavit or Declaration had been administered, sworn, affirmed or made in this Province, before a Commissioner for taking Affidavits therein, or other competent authority of like nature.

4. Any document purporting to have affixed, impressed or subscribed thereon or thereto, the signature of any such Commissioner, or the signature and official seal of any such Notary Public, or the seal of the Corporation, and the signature of any such Mayor or Chief Magistrate as aforesaid, or the seal and signature of any such Judge, Consul, Vice-Consul, Acting Consul, Pro-Consul, or Consular Agent, in testimony of any such Oath, Affidavit, Affirmation or Declaration having been administered, sworn, or affirmed, or made by or before him, shall be admitted in evidence without proof of any such signature, or seal and signature, being the signature or the seal and signature of the person whose signature seal and signature the same purport to be, or of the official character of such person.

5. Any Affidavit, Declaration or Affirmation proving the execution of any Deed, Power of Attorney, Will, or Probate, or memorial thereof, for the purpose of registration in this Province, may be made before the Commissioner appointed under this Act, or other person authorized hereby to administer or take Oaths, Affidavits, Declarations and Affirmations.

6. No informality in the entitling or heading, or other formal requisites of any Affidavit, Declaration or Affirmation made or taken before any Commissioner or other person under this Act, shall be any objection to its reception in evidence, if the Court or Judge before whom it is tendered think proper to receive it.

7. If any person shall tender in evidence any such document as aforesaid, with a false or counterfeit seal or signature thereto, knowing the same to be false or counterfeit, he shall be guilty of felony, and shall be subject to the punishment by law provided for felony.

8. Nothing herein contained shall affect or be construed in anywise to affect the provisions of the seventh Section of an Act made and passed in the nineteenth year of the Reign of Her present Majesty, intituled *An Act in further amendment of the Law*.

9. Nothing in this Act contained shall affect or be construed to affect or make good any Affidavit, Affirmation, Oath, or Declaration, or any other act, matter or thing heretofore made or done, but the same shall have the same and no other effect than they have or could have, had this Act not been passed.